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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,496	09/12/2003	Lisa Blum	426.42	2439

27019 7590 01/24/2006

THE CLOROX COMPANY  
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OAKLAND, CA 94623-1305

EXAMINER
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SPISICH, MARK

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/663,496	<b>Applicant(s)</b> BLUM ET AL.	
	<b>Examiner</b> Mark Spisich	<b>Art Unit</b> 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 32-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9 December 2005 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. Claims 37,38,44,45,47-50 and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The first line of claims 37 and 44 duplicates a limitation (the dispersible cleaning composition) already recited in claims 32 and 39. Claims 37 and 44 could be amended to something like "wherein the cleaning composition is dispersible in water". Claim 46 defines the cleaning head as including only a sponge and thus the reference to the "scrim" in claims 47-50 and 52 lacks proper antecedent. Applicant should review the claims for any additional informalities.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 46 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson, Sr. (USP 3,753,267). The patent to Johnson discloses a cleaning tool (20) comprising a handle (21) and a cleaning head (23) comprising a flexible or elastomeric (column 2, lines 15-16) fitment comprising a base (50) and an integral engagement member (52) adapted to removably engage the handle and further including a sponge (60) secured to the bottom surface of the fitment as well as a Mylar (column 2, line 35-43) mesh or scrim (61). The fitment of Johnson is comprised of a flexible material, which is what enables the handle of the device to be altered with respect to the handle in use. In addition, the handle (21) of Johnson is rotatably articulated to the head at the bores (55,56). Mylar is a polyester material (claim 47).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, Sr (USP 3,753,267). The patent to John discloses the invention substantially as claimed with the exception of specifying the material properties of the scrim. One of ordinary skill would deem it obvious to select known mesh materials on the basis of its suitability for the intended use. In re Leshin, 125 USPQ 416.

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Claims 32-45, 51 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, Sr (USP 3,753,267) in view of Magyar (USP 4,613,446). The patent to Johnson discloses a cleaning tool (20) comprising a handle (21) and a cleaning head (23) comprising a sponge (60) and a scrim (61) (a Mylar mesh; column 2, line 37) as well as a one-piece flexible (column 2, lines 15-18) fitment including a base (50) and an integral engagement member (52) adapted to removably engage a handle (21) and further wherein the head and handle are rotatably articulated to each other (at the bores 55,56). The patent to Johnson discloses the invention substantially as claimed with the exception of the scrim including a water-dispersible cleaning composition. The patent to Magyar discloses a cleaning pad comprising a sponge (2) and/or a scrim or mesh (1) (column 5, lines 29-68) wherein a cleaning composition is provided in the interstices of the scrim layer (column 5, lines 39-42). It would have been obvious to one of ordinary skill to have provided such a composition to the scrim material of Johnson so that a secondary supply of detergent needn't be required.

***Allowable Subject Matter***

7. The following claim drafted by the examiner and considered to distinguish patentably over the art of record in this application, is presented to applicant for consideration (the underlining should help applicant see where the changes are; also, the same suggested language could be made to claims 39 and 46):

Claim 32. (Amended) A cleaning tool comprising:

- a. an elongated handle; and
- b. a cleaning head comprising:

- i) a flexible fitment having a bottom surface, said fitment including a base and an integral engagement member adapted to removably engage the handle, the engagement member extending from and substantially perpendicular to an upper surface of the base;
- ii) a sponge having top and bottom surfaces, the sponge top surface being secured to the fitment bottom surface; and
- iii) a scrim having top and bottom surfaces, the scrim top surface being secured to the sponge bottom surface, the scrim including a dispersible cleaning composition;
- iv) the handle being coupled to the engagement member such that an axis of the engagement member and the longitudinal axis of the handle are generally aligned and wherein this alignment of the two axes is fixed during use of the cleaning tool, the cleaning head further being adapted to angularly articulate at least 25 degrees relative to the handle without a substantial reduction in surface contact between the scrim and the surface being cleaned; and
- v) the cleaning head being adapted to rotationally articulate relative to the handle about an axis coincident with the engagement member and handle axis.

### ***Response to Arguments***

8. Applicant's arguments filed 9 December 2005 have been fully considered but they are not persuasive. Applicant amended the claims to positively recite the handle

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and thus the references to the movement of the head relative to the handle are now more clearly defined. The patent to Johnson discloses (1) a flexible fitment with an integral base (50) and engagement member (52) and (2) the handle being rotatably articulated (at 55,56) to the head. The structural difference between the device of Johnson and the present application relates to the particular connection between the engagement member and the handle. This difference in structure, although disclosed, is not recited in the claim(s). The proposed claim drafted by the examiner is an effort to define the structure of the handle/head connection and to advance the prosecution of the present application.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich  
Primary Examiner  
Art Unit 1744

MS